

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MICHAEL HORGAN; TIM ALLEN; MICHAEL GARDINER;
TERRI McGILL
Serial No.: 08/908,994
Filed: 08/08/1997
Title: METHOD AND APPARATUS FOR SECURE COMMUNICATIONS
Group:
Examiner:
Docket No.: 36212.00006 (SYN5397.01A)

**Commissioner for Patents, USPTO
Office of Petitions
Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202**

**DECLARATION OF DANICA R. REEDER IN SUPPORT OF RENEWED PETITION TO
ACCEPT DECLARATION FROM JOINT INVENTORS SIGNING ON BEHALF OF AN
INVENTOR WHO CANNOT BE REACHED
37 CFR 1.47(a)**

Dear Sir:

1. I am a legal assistant with the law office of O'BANION & RITCHEY LLP, located at 400 Capitol Mall, Suite 1550, Sacramento, California 95814.
2. I have personal knowledge of the following facts and would be competent to testify thereto if called as a witness.
3. On or about November 18, 2003, I conducted an internet-wide search looking for Michael Gardiner. The search located multiple names of Michael Gardiner and it was not possible to identify any of them as the former CEO of ACL Datacom, Inc. and inventor on this application.
4. On November 19, 2003, I conducted a Lexis-Nexis public records search and located 69 Michael Gardiners. Again, it was not possible to identify any of them as the former CEO of ACL Datacom, Inc. and inventor on this application.
5. On November 19, 2003, I contacted our firm's collection agency. Using Mr. Gardiner's SSN, a trace search located the address of 10325 Juniper Creek Lane, Las Vegas 89415. No telephone number was available.

6. On November 19, 2003, I reviewed the findings from the Lexis-Nexis search but none of the Michael Gardiners found were located in Las Vegas.

7. I have been unable to locate Michael Gardiner's telephone number from any of the above-mentioned searches.

8. On November 21, 2003, I sent the letter in Exhibit A via Federal Express to Michael Gardiner at 10325 Juniper Creek Lane, Las Vegas, NV 89415 requesting that he respond by December 15, 2003. The Federal Express tracking information is also attached in Exhibit A.

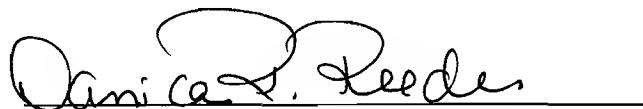
9. The Federal Express package was delivered and signed by Vilma Gardiner, later to be identified as Michael Gardiner's wife. No response as of this date has been received from Vilma Gardiner or Michael Gardiner.

10. On January 9, 2004, I contacted Vilma Gardiner by telephone at her place of business. During that conversation, I asked Vilma Gardiner if she knew if Michael Gardiner was going to return the documents. Vilma Gardiner was evasive during the conversation. When asked for Mr. Gardiner's telephone number, Vilma Gardiner would not provide one. Finally, Vilma Gardiner said that she would pass the message on to Michael Gardiner, and that she would call back with an answer that same day.

11. As of January 12, 2004, neither Vilma Gardiner nor Michael Gardiner have contacted me.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 1/12/2004



Danica R. Reeder

From: John P. O'Banion (916)498-1010
 O'BANION & RITCHIE LLP
 400 Capitol Mall, Suite 1550
 Sacramento, CA, 95814

REVENUE BARCODE



FedEx.

To: Michael Gardiner (916)498-1010

SHIP DATE: 22NOV03
WEIGHT: 1 LBS

10325 Juniper Creek Lane
 Las Vegas, NV, 89415

Ref:



Shipping Label: Your shipment is complete

[Cancel shipment](#) [Edit shipment information](#) [Process another shipment](#) [Repeat last shipment](#)

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

EXHIBIT A


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Track Shipments Detailed Results

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Tracking number 792517013650
Signed for by V.ILMA GARDINER
Ship date Nov 21, 2003
Delivery date/Time Nov 26, 2003 11:44 am

Delivered to
Delivery location
Service type

Recipient
HAWTHORNE NV
Priority Pak

You can also track:

- [By Alternative](#)
- [By Email](#)
- [TCN \(Gov't\)](#)

Track other FedEx

- [FedEx Customer Shipments](#)
- [FedEx Trad Shipments](#)
- [International](#)

Date/Time	Status	Location	Comments
Nov 26, 2003	11:44 am	HAWTHORNE NV	No signature required - release waiver on file
	11:44 am	HAWTHORNE NV	No signature required - release waiver on file
	8:30 am	NORTH LAS VEGAS NV	On FedEx vehicle for delivery
Nov 25, 2003	5:15 pm	NORTH LAS VEGAS NV	Package in FedEx location
	10:10 am	HAWTHORNE NV	Customer not available or Business closed
	8:28 am	NORTH LAS VEGAS NV	On FedEx vehicle for delivery
	7:27 am	NORTH LAS VEGAS NV	Arrived at FedEx Destination Location
	6:59 am	LAS VEGAS NV	Left FedEx Ramp
	4:45 am	LAS VEGAS NV	Arrived at FedEx Ramp
Nov 24, 2003	2:57 am	OAKLAND CA	Left FedEx Sort Facility
	12:04 am	OAKLAND CA	Arrived at Sort Facility
	11:00 pm	OAKLAND CA	Left FedEx Origin Location
	7:23 pm	RENO NV	Left FedEx Origin Location

[Wrong Address?](#)
 Reduce future mistal
[FedEx Address Che](#)

[Signature proof](#)
[Track more shipments](#)

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

From
To

Add a message to this email.

O'BANION & RITCHIEY LLP
INTELLECTUAL PROPERTY ATTORNEYS

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Sacramento, California 95814
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John P. O'Banion
Patent Attorney

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November 21, 2003

Mr. Michael Gardiner
10325 Juniper Creek Lane
Las Vegas, NV 89415

VIA FEDERAL EXPRESS

Re: U.S. Patent Application
METHOD AND APPARATUS FOR SECURE COMMUNICATIONS
Inventors: Michael J. Horgan; Tim Allen; Michael Gardiner; Terri McGill
Ser. No.: 08/908,994
Filed: August 8, 1997
Our File: SYN5397.01A

Dear Mr. Gardiner:

URGENT - TIME SENSITIVE TRANSMITTAL

I am enclosing the following documents for you to sign in connection with this patent application:

Combined Declaration and Power of Attorney

We have been attempting to locate you for some time now, and just recently located this address. Enclosed please find a copy of a letter that we sent to you in Hong Kong last May.

Please note that the Combined Declaration and Power of Attorney requires you to certify that you have read the application, and that you believe that you are an inventor of the subject

O'BANION & RITCHIEY LLP

November 21, 2003

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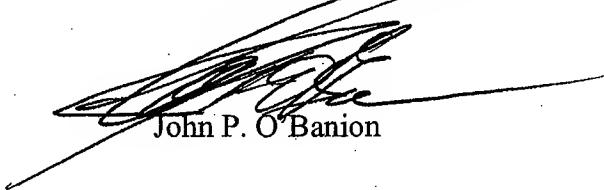
matter of the application and what is claimed. *Therefore, please read the enclosed patent application completely prior to signing this document.*

For your convenience, we have enclosed a Federal Express return envelope. Thank you again for your assistance with the prosecution of this application, and please let me know if you have any questions.

Best regards,

Sincerely,

O'BANION & RITCHIEY LLP



John P. O'Banion

Enclosure

cc: Michael J. Horgan